

Commission of Inquiry into the alleged plot to assassinate The President of the
Cooperative Republic of Guyana
Conference Room of the Department of Public Service,
Ministry of the Presidency,
164 Waterloo Street,
Georgetown, Guyana.

REPLY SUBMISSIONS OF SELWYN A. PIETERS

TO WRITTEN SUBMISSIONS OF

IAN N. CHANG, S.C.

- (1) In respect to the question of “Why would Nizam Khan offer Gillard, a barber and taxi service operator, \$7 million to do a job like assassination of President Granger?” The answer simply put is Nizam Khan believes that he can buy or sell anyone.
- (2) The claim that Gillard was lying and framing Nizam Khan is vacuous. A significant amount of circumstantial and other evidence of Gillard is true including events in May and June 2016 and the conduct of the police, Nizam Khan and Imran Khan on March 29, 2017 and following.
- (3) Regarding paragraph 12, page 4, Nizam Khan said he chased Gillard out of his yard in 2014, Gillard testified that occurred after he refused to accept the 7 million to kill the president. Further, the face to face
- (4) Regarding paragraph 16, page 4, the evidence on March 29, 2017 did not show “Gillard’s report was false and unreliable.” Such a conclusion without further investigation would have been premature and inappropriate.
- (5) Regarding paragraph 2, page 5-6, the factors cited in Ian Chang’s submissions were not those taken into account at the time Bail was granted.
- (6) Regarding paragraph 10, page 11-12, this is simply contradictory in light of the previous paragraph where Chang acknowledges it was the “C.O.P.... whether on instruction or suggestion” determined “the grant of bail.”
- (7) Regarding paragraph 11, page 12, the principles in *Associated Provincial Picture Houses Ltd. v. Wednesbury Corporation*, [1948] 1 K.B. 223 (C.A.) does not assist the C.O.P. or the Guyana Police Force. Discretion has to be exercised within the four corners of the statute. In this case both by way of statute and standing orders, treason is not a bailable offence. Further, since the C.O.P. was in a conflict of interest vis-à-vis Imran

Khan, the standard of review of plainly unreasonable would not have applied in any event.

(8) Regarding paragraph 12, pages 12-13, Ian Chang's submission in respect to Travis Chase is simply inappropriate. As already stated, no factual foundation exists to support these baseless statements.

(9) Regarding paragraph 13, page 13, again Chang's submissions here is without a foundation. No evidence exist that Chase "was attempting to significantly embellish Gillard's false story." Further, the Minister of State said much the same in his press briefing on April 20, 2017 that the plot extended to the President's outreach.

(10) Regarding paragraph 14, page 13, the claim that Gillard's complaint was a "storm in a teacup... aided and abetted by Travis Chase" reflects a flawed premise that the Commission must reject out of hand.

(11) Regarding paragraphs 1-3, page 16, the Commission should find that in light of the allegations in the case, the conduct of Imran Khan at the police station and the nature of the allegations against his brother, the return of their firearms the very evening was highly inappropriate.

(12) Regarding pages 21-22, the Commission in our submissions must reject Ian Chang's argument out of hand. The interpretation he gives to the Constitution, articles 210(2) and 228(2) is flawed. When the Commissioner is "off-duty" in the sense that he is on vacation, there is no expectation that he is expected to act as Commissioner. The powers of Commissioner are vested in the acting Commissioner of Police. If the Commissioner puts himself on duty as he did here at the behest of his friend Imran Khan and to materially benefit Imran Khan and Nizam Khan, he must be held accountable for acting in a conflict of interest and against his oath to perform his duties without "fear or favor."

(13) Regarding page 23, these arguments are highly flawed in light of the fact that the decision to have the accused persons sent on bail was made by the Commissioner of Police acting in a conflict of interest.

(14) Regarding page 24, on the issue of Gillard swearing on the bible, that has no impact on his evidence and Chang's urging on the commission is wrong. The fact that Gillard swore on the Bible as opposed to the Koran is immaterial: See particularly *R. v. Peter Kemble* (1990) 1 WLR 1111 at page 1114. See also, extensive discussion on Oaths, their meaning and how a declarant bind or unbind their conscience in *McAteer v. Canada (Attorney General)* 2014 CarswellOnt 10955, 2014 ONCA 578, 121 O.R. (3d) 1, 242 A.C.W.S. (3d) 772, 376 D.L.R. (4th) 258 (ONCA).

(15) Regarding page 25, the claim that "Gillard's propensity to make wild, irrelevant and scurrilous allegations against members of the G.P.F. (particularly members of the C.I.D.) could not have escaped the attention of the Commission." The statement is another one without a factual basis made by Ian N. Chang. Lets brief examine what the Commission knows:

- i. Gillard stated that Imran Khan and the Commissioner of Police are friends. The Commissioner confirms he knows Imran Khan “very well” and they are social buddies who drink sometimes.
- ii. Gillard stated that he cut the hair of CID ranks at the instance of Imran Khan, that has not been refuted.
- iii. Gillard stated that police officers get their vehicles fixed at Nizam Khan’s shop. That was confirmed.
- iv. Gillard spoke of the relationship between Ian Chang and the Khan’s. Mr. Chang is a longstanding friend of the Khan’s father and the two sons Imran and Nizam.
- v. Gillard evidence of the conduct of the CID and Imran Khan on March 29, 2017 was corroborated, albeit reluctantly.
- vi. Gillard was assaulted, his telephone was broken by a CID rank.
- vii. Gillard was subjected to verbal abuse by ASP Caesar and Caesar directed ranks to put Gillard out of CID headquarters.

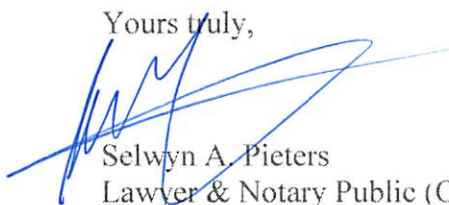
(16) Gillard could not have been an outsider to know intricate details of the close relationship between the Khans and the Commissioner of Police and the Chief Justice as he then was. His evidence has a ring of truth.

(17) It is unfortunate that the now retired Chief Justice acting did not do the right thing and refused the brief of the Guyana Police Force on the basis of a conflict of Interest. This brief including the written submissions of Ian N. Chang is a clear ethical lapse.

(18) There is no limitation period on reporting indictable offences such as treason, the fact that it took Gillard 21 months to report a substantial and specific danger to the life of His Excellency the President is very unfortunate, however the Commission must consider the good faith nature of the report of the alleged plot, the series of events that led to the report to Travis Chase and the Office of the President of the plot, and whether any prejudice arose in respect to the delay.

All of which is respectfully submitted this 21st August 2017

Yours truly,



Selwyn A. Pieters
Lawyer & Notary Public (Ontario)
Attorney at Law (Guyana & Trinidad)